



PATENT  
454312-3140  
U.S. 09/298,523

Sequence mailed on February 28, 2001. The Office Communication set a one-month period for response. Applicants respectfully request acceptance of the enclosed paper copy and computer readable form of the Sequence Listing. It is also respectfully requested that the application be amended as follows:

**IN THE SPECIFICATION:**

Please amend the specification as follows:

Immediately after page 44 and before the first page (page 45) of claims, if appropriate, please insert the enclosed pages identified as --Sequence Listing--. Please renumber the pages accordingly.

**REMARKS**

It is respectfully asserted that the sequence disclosure contained in the application now fully complies with the requirements set forth in 37 C.F.R. § 1.821 to § 1.825. Accordingly, reconsideration and withdrawal of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") is respectfully requested.

A copy of the Notice to Comply, a paper-copy of the Sequence Listing, and a computer readable form (floppy disk) of the Sequence Listing are enclosed. The Statements required by 37 C.F.R. §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned attorney of record hereby states that this submission, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

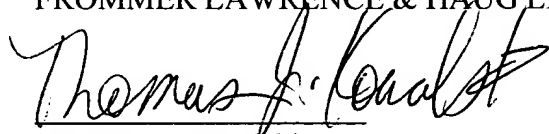
Pursuant to 37 C.F.R. §1.821 (f), the undersigned attorney hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

These amendments are introduced merely to place the sequence listing in the application, (after the specification and before the claims). In view of the amendments, remarks and enclosures, the application complies with the requirements for computer readable disclosure of the biological sequences under 37 C.F.R. §1.821-1.825. Reconsideration and withdrawal of the Notice to Comply is earnestly solicited.

The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



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Reg. No. 32,147  
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Enclosures: Paper and Disk Sequence Listing;  
Copy of Notice to Comply; and  
Return receipt postcard.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/298523	04/23/99	BRILES ET AL	454312-3140

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EXAMINER	
MINNIFIELD	
ART UNIT	PAPER NUMBER
1645	10

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DATE MAILED:

Commissioner of Patents

Please find below a communication from the EXAMINER in charge of this application.

1. The communication filed November 11, 2000 is not fully responsive to the Office communication mailed June 19, 2000 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

Since the above-mentioned reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is (703) 305-3394. The examiner can normally be reached on Monday-Thursday from 7:00 AM-4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R. F. Smith, can be reached on (703) 308-3909. The fax phone number for TECH CENTER 1600 is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application should be directed to the TECH CENTER 1600 receptionist whose telephone number is (703) 308-0196.

N. M. Minnifield

February 27, 2001

substitute PTOL90

*NM Minnifield*  
NITA MINNIFIELD  
PRIMARY EXAMINER